

**M**edical support is a form of child support owed by a noncustodial parent as stated in an order for support. Legal fatherhood or paternity must first be established before an unmarried father can be held responsible for medical support. This form of child support is often provided as group health care insurance coverage under the parent's policy. Moreover, a child support order may, alternatively or in addition, provide for specific dollar amounts to be deducted for medical purposes as specified in the order.

## Legal Requirements and Statutes

Recent amendments to the Social Security Act have had an impact on medical support and an employer's responsibility to honor medical support orders established under state law.

The court or administrative agency may require that an employee provide medical insurance coverage for his/her dependents. The court will require coverage if it is available to the employee at a "reasonable cost," defined as coverage available through the employer or other group health insurance (i.e., union).

## Enrollment

Generally, the (non-federal agency) employer receives an order from the court or administrative agency, directing the employer to enroll the dependents in the ordered insurance plan and to withhold premiums from the employee's income or wages. This order may be subsequent to or in conjunction with an order to withhold a monetary child support obligation.

- A federal employee may elect to add a dependent(s) to his/her health plan. According to the Federal Employees Health Benefits Plan (FEHBP) law, a child support order that includes medical support constitutes a "change in family coverage" granting an employee an opportunity to change health plans without waiting for the next open enrollment period.
- Enrollment under the FEHBP includes all your employee's dependent(s). A self and family enrollment under the FEHBP covers an employee's unmarried dependent children under age 22 including the following:

- A legitimate child, an adopted child, or a recognized natural child
- A stepchild or foster child who lives with the employee in a regular parent-child relationship
- An unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22

Federal agencies lack authority under the FEHBP law to require an employee to enroll family members in a health plan. Federal agencies may, however, enforce a child support order providing for direct income withholding (i.e., an amount of money for medical purposes as specified in the order).

## Payroll Deduction

In all orders for health insurance, the court shall include provisions directing the employer to deduct an amount sufficient to provide for premiums for health care coverage offered by the employer.

- Income withholding for child and medical support has priority over all other legal processes against income except for federal liens (for example, an IRS lien that is in place when the order is served upon the employer);
- Income withholding for medical support (and/or child support monetary award) may not exceed the maximum amount under the Consumer Credit Protection Act (CCPA). States may also set limits lower than the federal CCPA.

## Insurer's Responsibility

Legislative reforms in the past 10 years now mandate that health insurers have the following responsibilities:

- The health insurance company must provide necessary information to the custodial parent so that claims can be directly submitted for covered services without the approval of the employee.
- The health insurance company must reimburse the custodial parent, the providers, or state agency directly for claims submitted.

# QUESTIONS & ANSWERS

You are improving the health of America's children: Children who might otherwise not be covered under a medical insurance plan can get the medical attention they need once they receive the medical support from your employee.

**Q:** What are the responsibilities of a federal government agency regarding enforcement of child support orders that require an employee to provide health insurance coverage?

**A:** If a federal employee elects health plan coverage for self and family, the federal agency's responsibility is to enroll these parties, deduct the premiums from the employee's paycheck, and notify the health plan where to send the child's coverage information (i.e., to the custodial parent or the child support enforcement agency). Child support orders that include medical support constitute a "change in family status" that grants an employee the opportunity to enroll for self and family or to change health plans, outside the annual open enrollment period.

A federal government agency may enforce a child support order which provides for direct income withholding (i.e., a specific dollar amount) for medical purposes as specified in the order.

**Q:** If a federal employee is currently enrolled for self and family coverage under the FEHBP and a court or administrative agency orders the employee to provide medical insurance for a child born out of wedlock who does not live with the employee, what must the employee do to cover the child?

**A:** A self and family enrollment under the FEHBP automatically covers an employee's unmarried dependent children under age 22, including a recognized natural child. A medical support order allows the employee the opportunity to change health plan coverage based on a "change in family status," to provide appropriate family coverage. If a federal employee is enrolled for self and family health plan coverage and a child support order directs the employee to provide insurance for a child who qualifies as a family member, the federal agency must notify the health plan where to send the child's coverage information.